

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1, 3-7, 12, 14, and 17-18 will be pending. By this amendment, claims 2, 8-11, 13, and 15-16 have been canceled; claims 1, 3, 6, 12, and 14 have been amended; and claims 17-18 have been added. No new matter has been added.

§102 Rejection of Claims 1-16

In Section 2 of the Office Action, the Examiner has rejected claims 1-16 under 35 U.S.C. §102(e) as being anticipated by Nielsen (U.S. Patent No. 6,055,570). Claims 1, 3, 6, 12, and 14 have been amended to address the rejection.

In the Background section of the Specification, it was disclosed that “[i]n the personal computer configured as described above, it cannot be known whether or not the contents of home page data have been updated unless the home page server is accessed. Therefore, acquisition of the latest home page data requires frequent accesses to the home page server to confirm whether the home page has been updated, thereby giving rise to a problem that tedious operations are imposed to the user.” *Background of the Specification, page 7, lines 15-22.*

To address the above-described problem, embodiments of the present invention provide apparatus, method, and system for providing an update notification signal to the mobile communication terminal over a radio telephone communication circuit network. For example, the structure of apparatus claim 1, as presented herein, includes:

“*storing means* for storing data indicating at least locations of contents to be monitored and a communication identifier of a mobile communication terminal which is informed of update of said contents;

monitoring processing means for monitoring a update state of said contents stored in a prescribed server; and
notifying means for transmitting an update notification signal, which indicates that said contents have been updated, to said mobile communication terminal over a radio telephone communication circuit network,

wherein said update notification signal includes data indicating said at least locations of contents to be monitored.” (emphasis added)

In summary, the update monitoring apparatus of claim 1 includes a limitation of having *notifying means* for transmitting an update notification signal, which indicates that the contents have been updated, to said mobile communication terminal over a radio telephone communication circuit network. The mobile communication terminal is identified by a communication identifier. In one implementation, the communication identifier can be a telephone number (see claim 17), at which electronic mail messages can be transmitted and received (see claim 18).

Since Nielsen fails to teach or suggest transmitting update notification signal over a radio telephone communication network to a mobile communication terminal identified by a communication identifier, claim 1 should be allowable over Nielsen. Furthermore, since independent claims 3, 12, and 14 closely parallel, and include substantially similar limitations as, independent claim 1, claims 3, 12, and 14 should also be allowable over Nielsen. Since claims 4-7 depend from claim 3, claims 4-7 should also be allowable over Nielsen. Claims 2, 8-11, 13, and 15-16 have been canceled.

Accordingly, it is submitted that the Examiner’s rejection of claims 1-16 based upon 35 U.S.C. §102(e) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Newly-added Claims 17-18

Based on the foregoing discussion regarding claim 1, and since claims 17-18 depend from claim 1, claims 17-18 should also be allowable over the cited prior art reference.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1, 3-7, 12, 14, and 17-18 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

PATENT

Appl. No. 09/852,204

Attorney Docket No. 450100-03212

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:


Samuel S. Lee, Reg. No. 42,791 for

William S. Frommer

Reg. No. 25,506

(212) 588-0800